

REMARKS/ARGUMENTS

Claims 20-31 were pending. In the present response, Applicants have amended claims 20 and 26, leaving claims 20-36 pending in the present application for the Examiner's consideration. No new matter has been added.

In summary of the Final Office Action of November 6, 2003, the Examiner has:

- I. Objected to claims 20 and 26 because of informalities; and
- II. Rejected claims 20-31 under 35 U.S.C. §103(a) as being unpatentable over Baum et al. (U.S. Patent No. 4,928,239) in view of Yeager (U.S. Patent No. 6,594,728 B1).

The Applicants respectfully traverse the Examiner's rejections.

I. Objection to claims 20 and 26

In accordance with the Examiner's suggestion, the present amendment changes the objectionable portions of claims 20 and 26 back to their original form. The Applicant respectfully requests the withdrawal of the objections to claims 20 and 26.

II. Rejection of claims 20-31 under 35 U.S.C. §103(a)

The Examiner has rejected claims 20-31 as unpatentable over Baum in view of Yeager. Enclosed with this amendment is the Declaration of Todd C. Mowry, who is the inventor of the present application. This Declaration was previously submitted in a parent application.

In the Declaration, the Applicant unequivocally declares that he is the inventor of the subject matter disclosed in Yeager pertaining to prefetching hints. Specifically, the Applicant unequivocally declares that he is the inventor of the subject matter disclosed at page 11, lines 5-31 of the Yeager application, which is also enclosed. This portion of the Yeager application corresponds to column 6, line 52 to column 7, line 11 of the Yeager patent, cited by the Examiner in the present office action.

Because the Applicant, not Yeager, is the inventor of the cited portion of Yeager, under 37 C.F.R. 1.132, the cited portion of Yeager is not prior art to the present application. Therefore, the Applicant respectfully submits that claims 20-31 are patentable over the cited references.

Appl. No. 09/804,677
Amdt. dated April 2, 2004
Reply to Office Action of November 6, 2003

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

April 2, 2004

Date



Jonathan M. Hollander

Reg. No. 48,717

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
JMH:gsh
60091277 v1